

# Congress of the United States

## House of Representatives

Washington, DC 20515-2107

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The Honorable Tom Ridge  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Secretary:

Media reports this week identified disturbing gaps in the Department of Homeland Security's (DHS) ability to detect and deter the entrance of potentially dangerous cargo into the United States ("Border Breach? Customs Fails to Detect Depleted Uranium – Again", ABCNews.com, September 10, 2003).

I have repeatedly raised concerns about the Department's failure to screen commercial cargo before it is loaded aboard passenger airplanes. This latest press report indicating that Department inspectors at the Port of Los Angeles did not detect the presence of depleted uranium inside a trunk shipped from Jakarta, Indonesia suggest that significant upgrades also must be made to the Department's cargo screening capabilities at commercial ports. Accordingly, I am writing to request information about the Department's plans and progress in the area of cargo screening, particularly the Department's policies relating to cargo containing radioactive materials that could be used by terrorists to build radiological "dirty bombs" or a nuclear explosive device that might be used against Americans.

1. In your speech on September 2 at the American Enterprise Institute, you emphasized the need to increase the scrutiny on cargo at its origination point, before it reaches our shores. During your speech, you noted that our security strategy must "extend our zone of security outward, so that our borders become our last line of defense, not our first line of defense. And that's why we build security measures that begin thousands of miles away, long before a container is first loaded on a ship." You pointed out in your speech that the United States is safer today because President Bush has spearheaded efforts to gain the cooperation of governments in countries such as Indonesia, which recently was the site of a terrorist bombing in Jakarta reportedly carried out by Jemaah Islamiah, an affiliate of Al Qaeda.

- (A) Please describe the specific security measures that the Department has in place to screen or inspect cargo that is loaded in Jakarta and other foreign ports for transport to the United States. How did these measures operate in the case of the trunk containing depleted uranium that was shipped by ABC News? What security improvements has the Department made in Jakarta subsequent to the depleted uranium shipment, which exposed loopholes in the cargo screening and inspection process in Jakarta, a center of Southeast Asian terrorism?

- (B) Is Jakarta included on the list of sites that currently participate in Phase I of the Department's Container Security Initiative (CSI), which is designed to improve U.S. security by tightening the security at foreign ports? If not, why not? Is Jakarta included on the list of sites that will participate in Phase II of the CSI? If not, why not?
- (C) According to a representative of Maersk Logistics, the company that ABC News hired to ship the trunk containing depleted uranium, Maersk relies on government screening to validate the contents of commercial cargo, because Maersk procedures do not require its agents to inspect containers loaded outside commercial piers. Was the trunk containing depleted uranium shipped by ABC News screened by government authorities in Jakarta? If yes, please provide the date and time and method of the screening which occurred and identify the government authority that conducted the screening. If the trunk was not screened by any government authority, why not?

2. Media reports indicate that, upon arrival at the Port of Los Angeles on August 23, the shipment from Jakarta was screened by Department inspectors, but the inspectors did not detect anything dangerous or suspicious inside the trunk using radiation pagers and X-ray scanners and therefore did not open the crate. As you know, while depleted uranium is a harmless substance, its chemical signature is similar to highly enriched uranium (HEU), which can be used in the development of a nuclear explosive device.

- (A) Did the Department inspectors at the Port of Los Angeles detect the presence of depleted uranium in the crate shipped from Jakarta? If yes, please provide the date and time that this detection occurred. If inspectors did not detect the presence of depleted uranium, why not?
- (B) If Department inspectors at the Port of Los Angeles detected the presence of depleted uranium, how did they determine that it was not actually HEU without opening the crate and testing the substance?

3. The Department has asserted that the depleted uranium was allowed to enter the U.S. because, in the words of Undersecretary Hutchinson as quoted in press reports, "it was not a danger to America" and that had there been an attempt to import HEU into the country this would have been detected. The Natural Resources Defense Council (NRDC), which provided the depleted uranium to ABC News, has suggested on its website (<http://www.nrdc.org/nuclear/uranium.asp>) that such assertions are factually incorrect, and that a screening system that is unable to detect a shipment containing depleted uranium is unlikely to be capable of detecting HEU.

(A) Do you agree or disagree?

(B) If you disagree, please explain what about the following statement on the NRDC website is inaccurate and why:

"Had the 15-pound uranium cylinder been weapon-grade highly enriched uranium instead of depleted uranium (which is not suitable for nuclear weapons), the dose rate at the surface of the highly enriched uranium would have been more than 100 times higher. However, nearly all of this increase would be due to alpha radiation, which can be shielded with a sheet of paper. Meanwhile, the beta-ray dose rate

would be about the same or lower and the gamma-ray dose would be ten or more times higher. At the surface of the shielded container the dose rate would be about one to ten times higher. The dose rate of the highly enriched uranium cylinder could be easily reduced to that of the shielded depleted uranium container (i.e., 0.5 mrad/hr) by adding an additional 1/8 inch of lead (one-third of a centimeter) around the cylinder. This would add only about 6.6 pounds (3 kilograms) to the mass of the lead shielding.

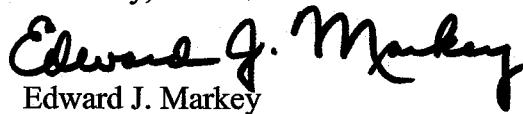
"In other words, it would be as easy to smuggle highly enriched uranium through U.S. Customs as NRDC's depleted uranium. Customs personnel used X-ray machines and simple radiation detector pagers to inspect the container holding NRDC's depleted uranium. Neither device was able to detect the depleted uranium, nor would they have been able to detect highly enriched uranium with slightly more shielding."

(C) If you agree with NRDC, please explain what actions are being undertaken to improve U.S. screening and detection technologies to allow us to detect objects such as the depleted uranium imported by ABC, and, more importantly, HEU shipments that are shielded in the manner described in the previous question.

4. Given the difficulties of fully securing our borders from imports of HEU or other nuclear materials that could be used by terrorists to attack targets in the United States, has the Department made any recommendations to the Departments of Defense or State with respect to acceleration and expansion of efforts to eliminate stockpiles of HEU in the former Soviet Union, including: a) blending down of HEU in Russia, Ukraine, and Uzbekistan; b) conversion of all domestic and foreign research and test reactors to operation using Low Enriched Uranium (LEU), c) elimination of HEU from dismantled U.S. and former Soviet nuclear weapons programs; and d) cancellation of DOE advanced fuel cycle research programs that involve any transfer of information about nuclear reprocessing, plutonium metallurgy or similar technologies to any non-weapons states? If so, what have you recommended? If not, why isn't the Department taking action to try to better cut off these materials from terrorists at the source, given the Department's policy that our borders should be our last line of defense, not our first line of defense against terrorists?

I appreciate the Department's consideration of this request and look forward to its prompt response. If you have questions about this correspondence, please have a member of your staff contact Mr. Mark Bayer or Mr. Jeff Duncan in my office at 202-225-2836.

Sincerely,

  
Edward J. Markey